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27498	7590	06/28/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN LLP 2475 HANOVER STREET PALO ALTO, CA 94304-1114			VAN DOREN, BETH	
		ART UNIT		PAPER NUMBER
		3623		

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/427,149	WARD, RICHARD E.
	Examiner Beth Van Doren	Art Unit 3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-30,32-41,43-82 and 84-94 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-8,11-13,15-25,30,32-39,41,43-48,51-53,55-69,71-76,78,81 and 84-93 is/are rejected.
- 7) Claim(s) 9,10,14,26-29,40,49,50,54,70,77,79,80,82 and 94 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. The following is a Final Office action in response to the communications received 04/15/2005. Claims 1, 5, 8, 26, 28, 29, 40, 41, and 56 have been amended. Claim 83 has been canceled. Claims 84-94 have been added. Claims 1, 3-30, 32-41, 43-82, and 84-94 are pending in this application.

Response to Amendment

2. Applicant's cancellation of claim 83 is sufficient to overcome the claim objections of the previous office action.

Response to Affidavit/Declaration

3. The Rule 132 Declaration of Richard E. Ward is noted.

4. The declaration under 37 CFR 1.132 filed 04/15/05 is sufficient to overcome the rejection of claims 26, 40, and 70 based upon 35 USC § 102 and 35 USC § 103.

5. The declaration under 37 CFR 1.132 filed 04/15/05 is insufficient to overcome the rejection of claims 1, 3, 30, 41, and 69 based upon Macrae et al. (U.S. 5,826,237) as set forth in the last Office action because: the showing is not commensurate in scope with the claims. The declaration refers only to the system described in the above referenced application and not to the individual claims of the application. For example, claims 1, 3, 30, and 41 are grouped together for the sake of discussion and argument. These claims are discussed using terms such as "meta data" or "structured sentences", where "structured sentences" are discussed as applying when "information is displayed and edited in the appearance of a sentence and when there is structured or coded data underlying the sentence". However, at least claims 1 and 30 do not recite these terms, being void of "meta data" and "structured sentences" including information being

displayed and edited or coded data underlying the sentence. Further, the declaration contains a figure on page 7 that is used to compare and contrast Macrae et al. and the invention of the instant application. However, the elements of this diagram are not proportionate to the claim elements presented. Thus, for at least these reasons, there is no showing that the objective evidence of nonobviousness is commensurate in scope with the claims. See MPEP § 716.

Response to Arguments

6. Applicant's remarks with response to claims 11 and 82 are sufficient to overcome the claim objections of the previous office action.
7. Applicant's Representative has made no arguments with respect to the claim rejections under 35 USC § 102 and 35 USC § 103.

Allowable Subject Matter

8. Claims 9, 10, 14, 26-29, 40, 49, 50, 54, 77, 79, 80, 82, and 94 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 3-8, 11-13, 15, 17, 21-25, 30, 32-39, 41, 43-48, 51-53, 55, 61-68, 71-76, 78, 81, and 84-93 are rejected under 35 U.S.C. 102(b) as being anticipated by Macrae et al. (U.S. 5,826,237).

11. As per claim 1, Macrae et al. teaches a method for generating a service plan and associated work flow for a customer using a computer based system comprising the steps of:

creating the service plan, the service plan including a plurality of structured sentences for each of a plurality of specific needs of a particular customer in an electronic storage area, wherein the plurality of structured sentences together form a part of the service plan, said plurality of structured sentences including structured sentences for services, each structured sentence for service identifying a needed service corresponding to one of the specific customer needs (See figures 2, 12, and 43, column 2, lines 20-30 and 59-67, column 6, lines 5-16, column 7, lines 1-6 and 29-35, column 8, lines 50-60, column 9, lines 55-70, column 10, lines 1-10, column 17, lines 24-30, column 18, lines 20-25, which discloses creating a service plan template that is made up of structured sentence elements. For example, an order node sentence element in the plan defines a subject of the order and specific activities and results that must be achieved when this element is encountered in the plan. This service plan with sentence elements is assigned and customized to a specific patient); and

creating the electronic workflow in addition to the service plan, which is adapted to assist in providing each needed service, the step of creating the electronic workflow including the step of using each structured sentence for service to create a workflow process instance for each needed service, wherein at least certain ones of the workflow process instances include a plurality of tasks corresponding to steps for providing one of the services to the particular customer, which one service relates to the corresponding structured sentence for service (See at least column 6, lines 5-16 and 45-60, column 7, lines 16-19, 29-35, and 56-62, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40, which teaches

the steps of creating a workflow in addition to the saved service plan template. Specifically, the workflow is created when a saved template is applied to a specific patient and run. For example, when the order node sentence element is encountered in the flow, a technician or lab person must complete the order (creating a workflow instance of the general sentence) and enter results so the workflow can proceed. Multiple steps make up providing the service associated with each of the certain ones of the structured sentences).

12. As per claim 3, Macrae et al. discloses wherein said plurality of structured sentences have a subject and a plurality of attributes contained therein (See column 7, lines 33-37).

13. As per claim 4, Macrae et al. further discloses a method wherein certain of the attributes associated with the structured sentences for services contain a selected attribute value chosen from among a group of possible attribute values (See column 7, lines 33-37 and column 10, lines 6-9, wherein the selected service is a strep test, an attribute of a lab test, costing \$40).

14. As per claim 5, Macrae et al. further discloses a method wherein the certain ones of said workflow process instances have at least one decision step, task firing condition, or routing rule that creates a plurality of possible sequences of tasks, one sequence of which becomes the plurality of tasks invoked as part of a further step of executing one of said workflow process instances (See, for example, Figure 2 which discloses a simplified template for work flow dealing with step throat. The result of the step test directs the continuation of the workflow along a predetermined branch, which will encounter another order node with similar capabilities. See column 13, lines 26-30, in which Macrae et al. discloses flow control nodes, which are coupled with order nodes and contain a set of routing rules).

15. As per claim 6, Macrae et al. discloses the step of modifying at least one of the structured sentence attributes, which modification also causes a change to the one sequence of tasks invoked within the one workflow instance (See column 7, lines 55-67, column 8, lines 1-3, and column 11, lines 15-33, and column 22, lines 50-67, wherein an attribute value is changed regarding the structured sentence after the merging of more structured sentences to the plan. This editing affects the workflow when implemented. Multiple tasks are needed to complete each service).

16. As per claim 7, Macrae et al. further discloses wherein selecting a different one of the possible attributes from among the group of possible attributes will result in the selection of a different one of the plurality of possible routes with respect to an associated decision step, task firing condition or routing rule (See column 32, lines 39-44, which explains the rule object node interfaces that governs the workflow. The decision made about the selection of an attribute contained in an order node determines the route followed in the workflow path).

17. As per claim 8, Macrae et al. teaches the step of electronically inputting answers to questions, and wherein the electronically input answers to questions also causes a change to one sequence invoked within the one workflow process instance (See figures 2 and 6, and column 2, lines 38-43, column 7, lines 43-50, and column 8, lines 5-22, which disclose inputting the answer to the question “strep?” based on the lab results, this result changing the sequence invoked in the workflow instance).

18. As per claim 11, Macrae et al. further discloses wherein certain ones of said workflow process instances have at least one decision step, task firing condition, or routing rule that creates a plurality of possible routes contained therein, and further including the step of creating a part of

workflow relevant data, which modification also causes a change to the sequence of tasks invoked within at least one of the workflow process instances (See column 21, lines 8-12 and 18-21, which disclose modifying the process instance by adding a node, deleting a node, or modifying the contents of an existing node. Since these nodes dictate the flow of the predefined service plan, their modification will cause changes in said flow).

19. As per claim 12, Macrae et al. teaches wherein certain ones of said plurality of workflow process instances have workflow relevant data contained therein (See column 7, lines 29-36, wherein Macrae et al. discuss the order items contained in the process instance of order nodes. Order item data may include attributes such as category, name, etc.).

20. As per claim 13, Macrae et al. teaches the step of electronically inputting answers to questions, and wherein the electronically input answers to questions are used to create or modify workflow relevant data for certain ones of the workflow process instances (See figures 2 and 6, and column 2, lines 38-43, column 7, lines 43-50, and column 8, lines 5-22, which disclose inputting the answer to the question “strep?” based on the lab results. The lab results are entered into the tool, this creating workflow relevant data for certain ones of the workflow process instances).

21. As per claim 15, Macrae et al. discloses wherein the service plan is a care plan, the customer is a patient, and the plurality of specific customer needs are health related problems to be addressed as part of the patient’s care (See column 7, lines 16-19, and column 8, lines 4-22, which disclose a medical treatment template and provides a specific Clinical Template example).

22. As per claim 17, Macrae et al. discloses creating an alert that will signify that an action need to be taken (See figure 2 and 43, column 6, lines 5-22 and 45-65, column 7, lines 20-37,

column 8, lines 5-25, and column 10, lines 35-60, wherein the nodes of the system signal that an action needs to be taken).

23. As per claim 21, Macrae et al. discloses the step of creating other structured sentences, said other structured sentences including structured sentences for a goal, a fact, a protocol, and a finding (See column 8, lines 23-29, column 13, lines 29-31, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40, which discloses creating structured sentences for the needs of patient. If a structured sentence is not previously stored, the user can build a new sentence or merge sentences, these sentences having an objective, etc.).

24. As per claim 22, Macrae et al. discloses the step of initiating the workflow (See column 17, lines 27-29, which discusses assigning a workflow template to a specific patient and executing said workflow).

25. As per claim 23, Macrae et al. teaches including updating status information for the service plan as workflow progresses (See at least column 7, lines 54-67, column 8, lines 1-3, and column 22, lines 28-44, which discusses another service plan being invoked as well as modifying and storing a service plan).

26. As per claim 24, Macrae et al. teaches wherein updates are provided to a user of the service plan in one form and updates are provided to the customer in another form (See Figures 14 and 15 and column 10, lines 37-51, which discloses displaying updates to the user of the tool (such as a doctor), which is a summarized list of the status of the orders of the workflow. See also figure 41 and column 21, lines 44-67 and column 22, lines 1-21, which disclose translating and exporting the information of the workflow).

27. As per claim 25, Macrae et al. teaches wherein the one form is directed to a clinician and the other form is directed to a nonmedical person (See column 22, lines 45-50, and column 25, lines 47-51, which explains the user interacting with the workflow updates during the merge process. In the merge example in column 22, lines 56-67, the user receiving the merge updates is Mr. Sander's doctor).

28. As per claim 30, Macrae et al. discloses a method for creating a service plan and associated workflow for a particular customer using a computer based system comprising:

providing electronically: a plurality of structured sentence data items for each of a plurality of possible customer needs in an electronic storage area, said plurality of structured sentence data items including structured sentence data items for services, each structured sentence item for service identifying a needed service corresponding to one of the possible customer needs (See at least figures 12, 14, and 15 and column 7, lines 34-35, column 9, lines 55-70, and column 10, lines 1-10, wherein data items that are related to structured sentences are stored. Subjects and attributes are shown, such as vitals (subject) and temperature (attribute) or pulse (subject) and value (attribute));

a generic electronic workflow process specification, in addition to the plurality of structured sentence data items, that is adapted to assist completion of each needed service (See at least column 6, lines 5-16 and 45-60, column 7, lines 16-19, 29-35, and 56-62, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40, which discloses a detailed description of the flow of activities in the task from start to finish, including the data records, programs, and procedures involved with a particular task);

at least first and second templates, each of said at least first and second templates comprising a different set of certain ones of said plurality of structured sentence data items, different ones of said plurality of structured sentence data items relating to different possible customer needs and including a subject and at least one attribute (See at least figure 42, column 2, lines 36-45 and 59-67, column 6, lines 5-16 and 45-60, column 7, lines 1-6, 29-35, and 56-67, column 8, lines 1-22 and 50-60, column 9, lines 55-70, column 10, lines 1-10, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40, wherein each template has a different combination of sentences to meet needs of the patient);

selecting at least a first template that relates to an identified customer need (See column 7, lines 63-67, and column 8, lines 1-3, which discuss selecting a template that coincides with a treatment needed for a patient);

creating the service plan for the particular customer, the step of creating the service plan including the step of selecting structured sentence data items within the first template that relate to specific need of the particular customer to obtain the service plan for the particular customer with structured sentences therein corresponding to the selected structured sentence data items, the structured sentences in the service plan being in addition to the selected structured sentence data items, and wherein the step of selecting structured sentence data items also causing the selection of workflow instances includes the step of determining a value for the at least one attribute for each of the selected structured sentences in the service plan for the particular customer (See column 6, lines 5-16 and 45-60, column 7, lines 16-19, 29-35, and 56-62, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40); and

creating the workflow in addition to the service plan using the generic workflow specification and the service plan, the workflow being adapted to assist completion of each needed service, wherein the step of creating the workflow includes the step of using each structured sentence for service to create a workflow process instance for each needed service (See again column 7, lines 63-67, and column 8, lines 1-3, which discuss selecting the parts of a similar, existing template and modifying the template to suit the current need. When selecting the nodes in the workflow that are applicable to the situation, the user is also selecting the structure sentence data items contained therein).

29. As per claim 32, Macrae et al. teaches wherein the attribute values for certain ones of said plurality of attributes is selectable from a collection of mutually exclusive choices (See column 8, lines 11-22, wherein the value of the attribute strep test only comes back positive or negative).

30. As per claim 33, Macrae et al. teaches wherein the attribute for certain ones of said plurality of attribute is a date (See column 14, lines 51-54, discussing the implementation of ongoing order structured nodes. See column 14, lines 63-67, and column 15, line 1, which discloses that the ongoing order has attributes such as start date or repetition date).

31. As per claim 34, Macrae et al. teaches wherein the attribute for certain ones of said plurality of attributes is a dosage (See column 14, lines 51-54, and column 15, lines 9-15, which discloses an ongoing order node and indicating medication to be given with a care plan at a specified speed and dosage).

32. As per claim 35, Macrae et al. teaches wherein the service plan is a care plan, the customer is a patient, the plurality of possible customer needs are health related problems, and the specific need of the particular customer is a health related problem of the particular customer

(See column 7, lines 16-19, and column 8, lines 4-22, which discloses a workflow care plan in the form of a medical treatment and provides a specific Clinical Template example, teaching a simple workflow for treating a patient with a sore throat).

33. As per claim 36, Macrae et al. teaches the step of initiating the workflow, the step of initiating the workflow being caused by a user verifying the accuracy of the service plan (See column 17, lines 24-29, wherein a template is assigned to a patient and executed. At the time of assignment, the plan of the template may have already been tailored to meet the needs of the patient, or modification can occur before or during execution).

34. As per claim 37, Macrae et al. teaches wherein during the step of providing a plurality of structured sentence data items is accomplished by a generic metadata supplier that transmits the data to a service provider user, and the service provider user performs the steps of selecting (See column 7, lines 34-35 and 63-67, and column 8, lines 1-3 and 24-29, which discusses libraries containing generic order node items and generic templates, which are accessed by the user and modified to meet the specific needs of said user and his/her patient).

35. As per claim 38, Macrae et al. teaches the step of the service provider adding structured sentence data items to the plurality of structured sentence data items previously provide by the generic metadata supplier (See column 21, lines 8-12, which discloses a user modifying a generic service plan template by adding order structured nodes that contain attributes to the user's treatment needs).

36. As per claim 39, Macrae et al. discloses the step of the service provider modifying certain ones of the selected structured sentence data items from the structured sentence data items previously provided by a generic metadata supplier (See at least column 21, lines 8-12, which

discloses a user modifying a generic service plan template by adding, deleting, or modifying order nodes that contain attributes to the user's treatment needs).

37. Claims 41, 43-48, 51-53, 55, 61-65, 67, and 68 recite equivalent limitations to claims 1, 3-8, 11-13, 15, 21-25, 23, and 30, respectively, and are therefore rejected using the same art and rationale as applied above.

38. As per claim 66, Macrae et al. teaches wherein the step of updating the status information for the service plan includes modifying an attribute contained in one of the structured sentences (See column 11, lines 15-33, and column 22, lines 50-67, wherein an attribute value is changed regarding the structured sentence to clarify based on the merging of more structured sentences to the plan).

39. As per claim 71, Macrae et al. teaches wherein the step of selecting the those structured sentence data items includes the steps of: visually displaying certain ones of the structured sentence data items on a screen of a display (See at least figures 2 and 12, which shows structured sentence data items. The user can build a structured sentence using these structured sentence data items); and creating one structured sentence corresponding to the specific need of the particular customer by selecting one of the displayed certain ones of the structured sentence data items (See Figures 2 and 12. See also column 2, lines 36-45 and 59-67, column 6, lines 5-16 and 45-60, column 7, lines 1-6 and 29-35, column 8, lines 50-60, column 9, lines 55-70, column 10, lines 1-10, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40, which discloses creating a structured sentence that encompass the needs of a patient. The structured sentence and sentence data item are formed and customized in the display window).

40. As per claim 72, Macrae et al. discloses the certain ones of the structured sentence data items displayed on the screen resemble a substantially grammatically correct phrase (See figure 2, which displays the substantially grammatically correct phrase "Strep?" on the screen).

41. As per claim 73, Macrae et al. teaches wherein: the step of visually displaying includes the step of visually displaying attributes of one of the certain ones of the structured sentence data items (See at least figures 2, 12, 15, 26, 35, 39, and 41, column 7, lines 29-42, and column 13, lines 25-35, wherein the attributes of certain ones of the structures sentence data items are displayed, and when implemented as a workflow, can be assigned values);

and the step of creating the one structured sentence corresponding to the specific need of the particular customer includes selecting a selected value obtained from one of the attributes (See column 7, lines 33-37, which describe the subject and attributes contained in the structured order nodes of the workflow. A determination concerning the value of an attribute contained in a structured order node is made, for example see column 8, lines 11-22, wherein the attribute strep test is determined to have a positive or negative value, and the route taken in the plan is based on these values when the plan is implemented as a workflow).

42. As per claim 74, Macrae et al. discloses wherein the step of creating further includes creating one workflow instance that corresponds to the one structured sentence (See column 7, lines 16-19, 29-35, and 56-62, which teaches the steps of implementing the workflow. A chart view shows the status of the running created workflow. When an order node is hit, a technician or lab person must run the physical order workflow instance and enter information into the system so the workflow can proceed. Each instance in the workflow process is represented by a node and each order node represents a needed service and has associated attributes).

43. As per claim 75, Macrae et al. teaches the step of displaying the one structured sentence on the screen of the display after the step of creating the one structured sentence corresponding to the specific need of the particular customer (See at least figure 3, wherein the one structured sentence is displayed after creating the structured sentence in association with a specific patient, for example John Sanders).

44. As per claim 76, Macrae et al. discloses wherein the one structured sentence displayed on the screen resembles a substantially grammatically correct phrase (See figure 2, which displays the substantially grammatically correct phrase “Strep?” on the screen).

45. As per claims 78 and 81, Macrae et al. teaches the step of obtaining includes the steps of: creating a structured sentence in the service plan for each structured sentence data item that was selected from the template (See at least figures 12, 14, and 15 and column 7, lines 34-35, column 9, lines 55-70, and column 10, lines 1-10), wherein the step of creating the structured sentence involves the steps of:

creating a structured sentence subject based on the subject in the corresponding structured sentence data item; creating a plurality of structured sentence attributes based on the plurality of attributes in the corresponding structured sentence data item (See at least figures 12, 14, and 15 and column 7, lines 34-35, column 9, lines 55-70, and column 10, lines 1-10, wherein a subject attributes are created); and

setting structured sentence attribute values based on default attribute values specified in the corresponding attribute of the corresponding structured sentence data item (See at least figures 20-22, and column 13, lines 35-65, wherein values are specified and defaults defined).

46. Claim 84 recites an equivalent limitation to a limitation of claim 1 and is therefore rejected using the same art and rationale set forth above.

47. As per claim 85, Macrae et al. teaches the step of executing the workflow, the step of executing the workflow including tracking a status of each workflow process instance through the plurality of tasks as required to assist in execution and follow-up of the one service (See column 17, lines 27-29, which discusses assigning a workflow to a specific patient and executing said workflow. The status of each instance of the workflow is tracked through the plurality of tasks that make up the workflow. See at least column 7, line 54-column 8, line 3, column 11, lines 15-33, and column 22, lines 28-44 and 50-67, which discusses the assistance of the workflow in execution of the service and follow-up activities of the service).

48. As per claim 86, Macrae et al. teaches wherein the subject and attribute in some of the structured sentence data items are displayed together in essentially grammatically correct form, and the corresponding structured sentence contains both the subject and the attribute also displayed together in essentially grammatically correct form (See figures 4, 6, 19 B-C, and 39, wherein multiple structured sentences are displayed).

49. Claim 87 recites equivalent limitations to claim 76 and is therefore rejected using the same art and rationale set forth above.

50. As per claim 88, Macrae et al. teaches wherein the plurality of structured sentences, including structured sentences for service, in a service plan are displayed together with the appearance of a textual document (See figures 4, 6, 19 B-C, and 39, wherein the plan appears textual).

51. Claim 89 recites equivalent limitations to claim 21 and is therefore rejected using the same art and rationale set forth above.

52. As per claim 90, Macrae et al. teaches wherein the plurality of structured sentences, including the structured sentence for service, in service plan, are not displayed in the form of a workflow process diagram (See figure 2, 15, 26, 39, and 41, column 7, lines 29-42, and column 13, lines 25-35).

53. As per claim 91, Macrae et al. teaches wherein the step of creating the workflow includes the steps of: activating the service plan (See column 6, lines 5-16 and 45-60, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40, wherein the service plan is activated and executed); and

using the activated service plan to create the workflow from the generic workflow specification (See column 6, lines 5-16 and 45-60, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40, wherein workflow occurs from the activated service plan, the activated service plan containing attributes specific to the patient).

54. As per claim 92, Macrae et al. discloses the steps of: initiating and executing the workflow (See column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40, wherein the workflow is initiated and executed).

55. As per claim 93, Macrae et al. discloses wherein a separate electronic record is maintained for each of the templates, the generic workflow specification, the service plan for each of a plurality of customers, and the workflow for each of the plurality of customers (See figures 7, 12, 16, 19 B-C, 21, column 7, lines 29-35, and 56-column 8, line 22, column 9, line 55-column 10, lines 10, column 17, lines 24-30, column 21, lines 8-12).

Claim Rejections - 35 USC § 103

56. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

57. Claims 18-20 and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al. (U.S. 5,826,237) in view of Brown (U.S. 6,161,095).

58. As per claims 18, 19, and 20, Macrae et al. discloses a method of generating a service plan further including the step of automatically generating a translation of the service plan and exporting the patient plan data to other applications (See Figures 14 and 15 and column 10, lines 37-51, wherein Macrae et al. teaches displaying the result node content, which is a summarized list of the status of the orders of the workflow. See also figure 41 and column 21, lines 44-67 and column 22, lines 1-27, which disclose translating the information of the workflow into a more readable sheet and exporting this information to an outside application). However, Macrae et al. does not expressly disclose, as per claim 18, transmitting the translation of the service plan to the customer or, as per claim 19, revising the translation prior to the transmitting, or, as per claim 20, transmitting the translation to a remote computer.

· Brown discloses a method further including the steps of:

i. As per claim 18, transmitting a translation of the service plan to the customer (See figures 2, 3, and 9, and column 4, lines 43-51, wherein the treatment regimen is transmitted from the doctor to the patient via the network).

ii. As per claim 19, revising a translation prior to the transmitting (See column 5, lines 61-67, which discusses editing the treatment plan at the service device and then transmitting the new plan to the patient device).

iii. As per claim 20, transmitting to a remote customer computer (See figures 2, 3, and 9, and column 3, lines 35-42 and 59-67, column 5, lines 1-3, column 6, lines 29-43, and column 10, lines 47-50, wherein the data is sent to the computer of the customer via a communications network).

Both Macrae et al. and Brown disclose computer implemented patient care tools wherein data entered about the patient causes the workflow/medical plan to enact the appropriate workflow/medical plan instances. Furthermore, Macrae et al. discloses using its tool to medicate a patient during a treatment plan (See column 14, lines 51-67, and column 15, lines 1-5 and 19-22). It would have been obvious to one of ordinary skill in the art at the time of the invention to transmit the translated workflow information to the customer (patient), both locally and remotely, in order to increase the customer friendliness and the flexibility of the tool by allowing the patient to have access to their medical information in an comprehensible and understandable format at both local and remote locations.

59. Claims 57-60 recite equivalent limitations to claims 17-20, respectively, and are therefore rejected using the same art and rationale as applied above.

60. Claims 16, 56, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al. (U.S. 5,826,237).

61. As per claim 16, Macrae et al. further discloses wherein an interdisciplinary team of clinicians create the generic healthcare plans applicable to the patients and the step of creating the plurality of structured sentences that represents steps of a generic healthcare plan template (See column 1, lines 13-20, which discusses the generic healthcare plans being created by physicians, clinicians, committee members, and an interdisciplinary team. See column 7, lines 17-20, 29-37, and 53-65, which discusses the building of structured sentence models that represent steps of generic healthcare plan templates). However, Macae et al. does not expressly disclose the interdisciplinary team of clinicians creating the plurality of structured sentences.

It is old and well known that interdisciplinary teams of clinicians, physicians, and committee members create the acceptable medical procedures that are used by the medical community. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the interdisciplinary team of clinicians, physicians, and committee members of Macrae et al. build the structured sentences in order to create the most accurate and effective structured sentence protocols for the tool so that patients treated using said tool get the best medical attention.

62. Claim 56 recites equivalent limitations to claims 16 and is therefore rejected using the same art and rationale as applied above.

63. As per claim 69, Macrae et al. discloses wherein an interdisciplinary team of clinicians create the generic healthcare plans applicable to the patients or the step of creating the plurality of structured sentences that represents steps of a generic healthcare plan template (See column 1, lines 13-20, which discusses the generic healthcare plans being created by physicians, clinicians, committee members, and an interdisciplinary team. See column 7, lines 17-20, 29-37, and 53-

65, which discusses the building of structured sentence models that represent steps of generic healthcare plan templates). However, Macae et al. does not expressly disclose the interdisciplinary team of clinicians creating the plurality of structured sentences or that this team reviews drafts of the structured sentences after they are created.

It is old and well known that interdisciplinary teams of clinicians, physicians, and committee members create the acceptable medical procedures that are used by the medical community. It is also old and well known that hospitals in America have overseeing boards that manage the doctors of the medical facility. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the interdisciplinary team of clinicians, physicians, and committee members of Macrae et al. build and review the structured sentences in order to create the most accurate and effective structured sentence protocols for the tool so that patients treated using said tool get the best medical attention.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Singer (U.S. 6,304,848) discloses translating and storing information gained concerning a medical record.

Singer (U.S. 6,587,830) discloses translating and storing information gained concerning a medical record.

Diamond et al. (U.S. 5,692,220) discusses flow control and pattern matching in a system that provides a diagnosis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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bvd

June 22, 2005



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